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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,329	10/31/2003	Albert Gordon Anderson	CL1960USNA	2554
23906	7590 09/03/2004		EXAM	INER
E I DU PO	NT DE NEMOURS AND	GREEN, AM	GREEN, ANTHONY J	
LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1128			ART UNIT	PAPER NUMBER
4417 LANCASTER PIKE			1755	
WILMINGTON, DE 19805			DATE MAILED: 09/03/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/699,329	ANDERSON ET AL.				
Office Action Summary	Examiner	Art Unit				
	Anthony J. Green	1755				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed  s will be considered timely. the mailing date of this communication. (D) (35 U.S.C. § 133).				
Status						
<ol> <li>Responsive to communication(s) filed on</li> <li>This action is FINAL. 2b) This action is non-final.</li> <li>Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.</li> </ol>						
Disposition of Claims						
4)  Claim(s) 1-27 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-27 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine	epted or b) objected to by the drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). ojected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents 2. ☐ Certified copies of the priority documents 3. ☐ Copies of the certified copies of the priority application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicat rity documents have been receiv u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4)  Interview Summary Paper No(s)/Mail D 5)  Notice of Informal F 6)  Other:					

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#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 27 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the formation of an article containing a copper complex wood preservative comprising a copper compound, chelating agent and solubilizing agent does not reasonably provide enablement for an article just comprising a copper compound and a chelating agent. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to practice the invention commensurate in scope with these claims.

The specification is concerned with the formation of a copper complex and accordingly it is the position of the examiner that this feature should be present in the claim.

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 4. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claims 1, 4-5, 7-8, 10, 19-21 and 26-27 the phrase "selected from the group of" is improper Markush terminology.

In claim 2 the phrase "selected from...acid" is improper Markush terminology.

In claim 9 the phrase "the modified natural polymers" lacks proper antecedent basis.

In claim 13, part c) the phrase "the aqueous solution of step (b)" lacks proper antecedent basis.

In claim 27 it is unclear as to why applicant recites the phrase "further comprising copper" when no other components are previously recited. That is, this phrase seems to suggest that other components are present however none are positively recited. Clarification is requested.

#### Allowable Subject Matter

5. Claims 1-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

## References Cited By The Examiner

6. The references are cited as showing the general state of the art and as such, they are not seen to teach or fairly suggest the instant invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J.

Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony J. Green Primary Examiner Art Unit 1755

ajg September 01, 2004